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February 24, 2004

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Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
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Washington, D.C. 20554

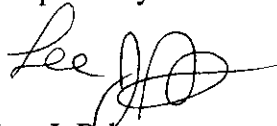
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: MM Docket No. 02-73
RM-10400, 10741 and 10742
(Cameron, Arizona, et. al.)
Supplement to Counterproposal**

Dear Ms. Dortch:

Transmitted herewith, on behalf of 3 Point Media-Arizona, LLC, is an original and four (4) copies of its Supplement to Counterproposal in the above-referenced proceeding. In the event the Commission has any questions with respect to the filing of this Supplement, please contact the undersigned.

Respectfully submitted,



Lee J. Peltzman
Counsel for
3 POINT MEDIA-ARIZONA, LLC

Enclosures

No. of Copies rec'd 0+4
List ABCDE

cc: Deborah Dupont (w/encl.) - via email (deborah.dupont@fcc.gov)

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments) MB Docket No. 02-73
FM Broadcast Stations) RM – 10400
(Cameron, Arizona)) RM – 10741
) RM – 10742

To: Office of the Secretary
Attn: Assistant Chief, Audio Division
Media Bureau

SUPPLEMENT TO COUNTERPROPOSAL

3 Point Media-Arizona, LLC ("3 Point"), licensee of Station KVNA-FM, Flagstaff, Arizona, successor-in-interest to Arizona Radio Partners, LLC ("Arizona Radio"), by its counsel, hereby submits this Supplement to the Counterproposal filed on May 20, 2002, by Arizona Radio in the above captioned proceeding. Specifically, 3 Point supplements the Counterproposal to provide the Commission with the requested information relating to the community of Dewey-Humboldt, Arizona.

I. Introduction

1. In the Counterproposal, Arizona Radio did not provide the Commission with any evidence establishing Dewey-Humboldt's independence from the Prescott, Arizona Urbanized Area. However, Arizona Radio's Counterproposal was not defective because, based on 1990 Census data¹, Prescott was not classified as an Urbanized Area, and therefore the allocation of Channel 248C at Dewey-Humboldt did not implicate the Commission's policy regarding the migration of stations into urban areas. However, Prescott is now classified as an Urbanized Area

¹ The 1990 Census data was the only Urbanized Area information available when the Counterproposal was filed on May 20, 2002.

and the allocation of Channel 248C at Dewey-Humboldt implicates the Commission's policy regarding the migration of stations into urban areas because, from the proposed transmitter site, KVNA-FM will place a 70 dBu contour over 50 percent of the Prescott Urbanized Area. Therefore, in this Supplement, 3 Point is providing the Commission with the required *Tuck* showing.

II. Dewey-Humboldt is Independent of the Prescott Urbanized Area

2. In making the determination whether to award an urbanized community a first local service preference, the Commission will consider the extent to which the station will provide service to the entire Urbanized Area, the relative populations and proximity of the suburban and central city, and, most importantly, the independence of the suburban community. *See Faye and Richard Tuck*, 3 FCC Rcd 5374, 5377-78 (1988) ("*Tuck*"). In this case, the proposed KVNA-FM 70 dBu contour will encompass 100% of the Prescott Urbanized Area. The population of Dewey-Humboldt (2000 U.S. Census 6,295) is 18.5% of that of Prescott (2000 U.S. Census 33,938), and Dewey-Humboldt is located over 16 kilometers away from Prescott and is not contiguous to that community. These figures are similar to those of other suburban communities granted a first local preference. *See, e.g., Old Fort, Fletcher, and Asheville, North Carolina; Surgoinsville, Tennessee, and Augusta, Georgia*, 18 FCC Rcd 12181 (2003) (Fletcher's population is 6.7% of that of Asheville, and Fletcher is located 17 kilometers from Asheville); *Malvern and Bryant, Arkansas*, 14 FCC Rcd 3576 (1999) (Bryant's population is 3% of that of Little Rock, and Bryant is located 20 miles from Little Rock). In any event, the Commission has repeatedly stated that these factors are less important than evidence of independence. *See Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352, 10355

(1995). The following analysis of the eight *Tuck* factors demonstrates the independence of Dewey-Humboldt from Prescott:

(1) ***Extent to which the residents of Dewey-Humboldt work in Dewey-Humboldt.*** According to 2000 Census figures, 403 of the 2,265 employed individuals in Dewey-Humboldt, or 17.8%, work at their place of residence. *See* Exhibit 1. This percentage compares favorably with other independent communities. *See, e.g., Albemarle and Indian Trail, North Carolina*, 16 FCC Rcd 13876 (2001) (11.3% of working-age residents worked in community); *Coolidge and Gilbert, Arizona*, 11 FCC Rcd 3610 (1996) (13% of Gilbert’s working population actually worked in Gilbert).

(2) ***Newspapers and other media that cover Dewey-Humboldt’s local needs and interests.*** The *Big Bug News* is a regional paper that covers the local needs and contains news and information of special interest to residents of Dewey-Humboldt. The residents of Dewey-Humboldt can subscribe to the *Big Bug News* or access the paper at the website, <www.bigbugnews.com>. *See* Exhibit 1.

(3) ***Community leaders and residents perceive Dewey-Humboldt as being separate from Prescott.*** On July 11, 2003, the residents of Dewey-Humboldt, represented by the Dewey-Humboldt Community Organization (“DHCO”), filed a petition of incorporation with Yavapai County. The incorporation of Dewey-Humboldt would encompass 21 square miles. The incorporation efforts are lead by the DHCO and its leaders should be considered the leaders of Dewey-Humboldt. As Tom Hintze, committee chair for the DHCO, recently said at a rally for the incorporation effort, “if we aren’t speaking for the people of Dewey-Humboldt, then what is?” *See* Exhibit 1.

(4) *Dewey-Humboldt attempts to incorporate and have its own local government and elected officials.* Dewey-Humboldt is a Census Designated Place with no local government. However, as discussed above, the residents of Dewey-Humboldt are currently in the process of incorporating Dewey-Humboldt and creating their own local government. *See Exhibit 1.*

(5) *There are two zip codes reserved exclusively for Dewey-Humboldt.* The zip codes designated exclusively for Dewey-Humboldt are 86327 and 86329. The U.S. Postal Service operates the Dewey Post Office at 12420 E Kachina Place and the Humboldt Post Office at 12910 Main Street. *See Exhibit 1.*

(6) *Dewey-Humboldt has its own commercial establishments and health facilities.* Dewey-Humboldt is home to a variety of businesses and commercial establishments. A number of these local businesses identify with the community by using “Dewey” or “Humboldt” in their name, including Dewey Mini Storage, Dewey Mobile Veterinarian, Dewey Pump and Supply, Dewey Wellness Center, Schuck and Sons Dewey Lumber, Aaron’s Humboldt Septic Supply, Humboldt Market, Humboldt Mercantile, and Humboldt Precast. Other retail and commercial businesses located in Dewey-Humboldt include, Galpin Ford, Nancy’s Style Studio, Tangles Family Salon, Grand AV Texaco, Red Arrow Real Estate, Wicker Etcetera, Blue Ridge Market, Blue Hills Café, and Billy Jacks Saloon and Grill. *See Exhibit 1.*

A number of health care providers are located in Dewey-Humboldt. Medical services are provided by the Dewey Medical Center, the Dewey Wellness Center and a number of sole practitioners. Dental services are provided by the Dewey Dental Center and a number of sole practitioners. Dewey-Humboldt is also home to a number of

religious and community organizations, including Humboldt Bible Church, Dewey Congregation of Jehovah's Witnesses, Dewey Seventh-Day Adventist Church, Mountain View Southern Baptist Church, Faith Assembly of God, Dewey-Humboldt Community Organization, and the American Legion. *See Exhibit 1.*

(7) ***Dewey-Humboldt has an advertising market that is separate and distinct from Prescott.*** The *Big Bug News* allows the businesses in Dewey-Humboldt to reach the residents of Dewey-Humboldt through advertisements in its print and on-line edition. *See Exhibit 1.*

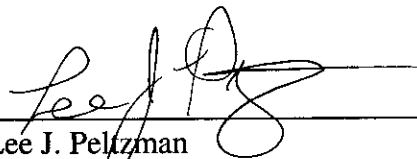
(8) ***Dewey-Humboldt has its own schools and fire protection is provided by Yavapai County.*** The Humboldt Unified School District serves the residents of Dewey-Humboldt with the following schools: Bradshaw Mountain Middle School and Humboldt Elementary School. Bradshaw Mountain Middle School has an enrollment of 414, while Humboldt Elementary School has an enrollment of 259. The Central Yavapai County Fire District provides the community of Dewey-Humboldt fire protection services through Station 54, which is located in Dewey. The services provided by the Fire District include, community risk management, crowd control, emergency medical service, a haz-mat response team, and a trauma intervention program. *See Exhibit 1.*

III. Conclusion.

3. Based on the foregoing evidence, it is beyond dispute that Dewey-Humboldt is independent of Prescott, and is therefore deserving of a first local service. The Commission should promptly adopt a Report and Order adopting the Global Resolution advanced by 3 Point and NPR Phoenix, LLC

Respectfully submitted,

3 POINT MEDIA-ARIZONA, LLC

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Date: February 24, 2004